

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

TERRENCE JEFFERSON

PETITIONER

VS.

4:18-CV-00675-BRW/JTR

DOE

RESPONDENT

ORDER

The Court has reviewed the Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed Objection.

In his Objection, Mr. Jefferson states that he is also challenging the conviction for failure to appear at his arraignment, to which he entered a negotiated plea of guilty in exchange for 24 months' probation and fines *after* filing his federal habeas Petition. *Doc. 5*.

Before a state prisoner can seek federal habeas relief, he ordinarily must "exhaust[t] the remedies available in the courts of the State." 28 U.S.C. § 2254(b)(1)(A), thereby affording those courts "the first opportunity to review [a federal constitutional] claim and provide any necessary relief" for alleged violations of a prisoner's federal constitutional rights. *O'Sullivan v. Boerckel*, 526 U.S. 838, 844-45 (1999). State remedies are not exhausted if a petitioner "has the right under the law of the State to raise, by any available procedure, the question presented." 28 U.S.C. § 2254(c). This requires state prisoners to "give the state

courts one full opportunity to resolve any constitutional issues by invoking one complete round of the State's established appellate review process." *O'Sullivan*, 526 U.S. at 845.

Mr. Jefferson acknowledges in his habeas Petition that he has not yet sought review of his failure to appear conviction by a higher state court. *Doc. 2 at 2, 4, and 5*. Thus, in addition to the reasons stated in the Recommended Disposition, Mr. Jefferson's habeas claims are also dismissed for failure to exhaust his state court remedies.

After making a *de novo* review of the record in this case, the Court concludes that the Recommended Disposition, supplemented by this Order, should be, and hereby is, approved and adopted in its entirety as this Court's findings in all respects.

Accordingly, Petitioner's Motion to Proceed *In Forma Pauperis* (Doc. No. 1) is DENIED, AS MOOT.

This Petition for a Writ of Habeas Corpus (Doc. No. 2) is DENIED, and this case is DISMISSED without prejudice.

A Certificate of Appealability is DENIED.

IT IS SO ORDERED, this 27th day of November, 2018.

/s/ Billy Roy Wilson _____
UNITED STATES DISTRICT JUDGE